

FIRST REGULAR SESSION

HOUSE BILL NO. 1158

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPARKS.

2495H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the offense of resisting or interfering with arrest, detention, or stop, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 575.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 has heard or should have heard an audible signal emanating from the law enforcement vehicle
18 pursuing him or her.

19 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
20 enforcement officer was acting unlawfully in making the arrest. However, nothing in this
21 section shall be construed to bar civil suits for unlawful arrest.

22 5. The offense of resisting or interfering with an arrest is a class E felony for an arrest
23 for a:

24 (1) Felony;

25 (2) Warrant issued for failure to appear on a felony case; or

26 (3) Warrant issued for a probation violation on a felony case.

27

28 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
29 subsection 1 of this section is a class A misdemeanor~~[, unless]~~. **If the person fleeing is**
30 **fleeing in a motor vehicle or other means of transportation and the person** creates a
31 substantial risk of serious physical injury or death to any person, ~~[in which case it]~~ **an offense**
32 **under this section** is a class ~~[E]~~ **B felony with no possibility of parole, probation, or**
33 **conditional release until the person serves a term of imprisonment of no less than three**
34 **years.**

35 6. As used in subsection 5 of this section, "fleeing in a motor vehicle or other
36 means of transportation" includes:

37 (1) Driving or operating a motor vehicle or other means of transportation at a
38 speed greater than the posted speed limit or in a careless, reckless, or imprudent
39 manner; and

40 (2) Driving or operating a motor vehicle or other means of transportation while
41 law enforcement is in pursuit of the motor vehicle or other means of transportation, and
42 continuing to drive or operate the motor vehicle or other means of transportation after
43 law enforcement attempts to stop the motor vehicle or other means of transportation.

✓